

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

L.P.A.No.1023 of 2001

Date of decision : January 16, 2007.

Ajit Singh Khera,

.....Appellant

**through Mr. D.V.Sharma, Advocate
for the appellant.**

v.

Lakhwinder Singh and others,

.....Respondents

**through Mr.I.S.Saggu, Advocate
for respondents No.1 and 3 to 8.**

**CORAM : HON'BLE MR.JUSTICE VIJENDER JAIN, CHIEF JUSTICE
HON'BLE MR.JUSTICE RAJIVE BHALLA**

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest ?**

The appellant, in the present Letters Patent Appeal, impugns the order, passed by the learned Single Judge, dated 20.3.2001, whereby strictures were passed against him and he was directed to pay a sum of Rs.16,000/- to respondents No.1 to 8 (petitioners in CWP No.734 of 2001) i.e Rs.2000/- to each petitioner.

The sole point, urged by counsel for the appellant is that the appellant was neither impleaded in person nor was he afforded an opportunity to explain his conduct. It is contended that as the strictures recorded have serious consequences, a show cause notice should have been issued to the

appellant, requiring him to explain his conduct.

Counsel for respondents No.1 and 3 to 8 does not deny the above said facts.

We have heard learned counsel for the parties and perused the record.

A perusal of the record reveals that the appellant was arraigned by designation, namely, the Assistant Registrar Cooperative Societies and not in person. Before proceeding to record strictures, it was necessary to issue a show cause notice to the appellant. Admittedly, no such notice was ever issued. Consequently, and without expressing any opinion on the merits of the controversy, the strictures, passed against the appellant, and the fine imposed as a result thereof, are set aside and the matter is remitted to the learned Single Judge to pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the appellant.

With these directions, the Letters Patent Appeal stands disposed of.

(VIJENDER JAIN)
CHIEF JUSTICE

(RAJIVE BHALLA)
JUDGE

January 16, 2007.
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